FILED

		JAN -2 2013
1	KAMALA D. HARRIS Attorney General of California	Board of Vocational Mensing
- 2	Marc D. Greenbaum	and Psychiatric Technologyns
3	Supervising Deputy Attorney General ANTONIO LOPEZ, JR.	
4	Deputy Attorney General State Bar No. 206387	
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
6	Telephone: (213) 897-2536 Facsimile: (213) 897-2804	
7	Attorneys for Complainant	
8	BEFORE THE BOARD OF VOCATIONAL NURSING AND	
9	PSYCHIATRIC TECHNICIANS DEPARTMENT OF CONSUMER AFFAIRS	
	STATE OF CALIFORNIA	
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11	In the Matter of the Accusation Against:	Case No. PT-2010-4117
12	TERESA L. JEWELL 7215 Shale Rock Road	
13	Paso Robles, CA 93446	ACCUSATION
14	Psychiatric Technician License No. PT 31935	
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16	Respondent.	
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1.8	Complainant alleges:	
19	PARTIES	
20	1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in	
21	her official capacity as the Executive Officer of the Board of Vocational Nursing & Psychiatric	
22	Technicians.	
23	2. On or about November 21, 2003, the Board issued Psychiatric Technician License	
24	Number PT 31935 to Teresa L. Jewell (Respondent). The Psychiatric Technician License was in	
25	full force and effect at all times relevant to the charges brought herein and will expire on May 31,	
26	2013, unless renewed.	
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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 4520 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)
- 5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 4545 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.
 - 6. Section 4521 of the Code states:

"The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

- "(a) Unprofessional conduct, which includes but is not limited to any of the following:
- (1) Incompetence or gross negligence in carrying out usual psychiatric technician functions.
- "(n) The commission of any act involving dishonesty, when that action is substantially related to the duties and functions of the licensee.
- 7. Section 125.3 of the Code provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8. Section 4521.6 of the Code states:

"The board may deny any application or may suspend or revoke any license or permit issued under this chapter [the Psychiatric Technicians Law], for any of the following:

- (a) The denial of licensure, suspension, restriction of license, or voluntary surrender following the initiation of disciplinary action by another state or other government agency, of a license, registration, permit, or certificate to practice as a health care professional shall constitute grounds for denial of a permit or license or for disciplinary action against a licensee. A certified copy of the finding from another state which establishes an act which if committed in California would be grounds for discipline shall be conclusive evidence of that action.
- "(b) The denial of licensure, suspension, restriction of license, or voluntary surrender following the initiation of disciplinary action by another California health care professional licensing board shall constitute grounds for denial of a permit or license or for disciplinary action against a licensee. A certified copy of the decision or judgment shall be conclusive evidence of that action."

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

- 9. Respondent is subject to disciplinary action under section 4521 (a) in that she committed acts constituting unprofessional conduct. The circumstances are as follows:
- 10. On or about February 16, 2010, Respondent was assigned to Limited Duty for three days. On or about March 5, 2010, Respondent was again placed on Limited Duty, this time for forty-three days, through April 17, 2010. Respondent was scheduled for a status review appointment with Occupational Health Services (OHC) on April 16, 2010, but failed to appear for the appointment. Respondent was again scheduled for a status review appointment with OHC on April 19, 2010, but again failed to appear for the appointment.
- 11. On or about May 3, 2010, Lisa Hatfield, RN, with OHC, left a phone message or Respondent indicating that the maximum allowable Limited Duty status of sixty days had elapsed. Lisa Hatfield explained in the message that Respondent would need to bring in a release

to full duty verification from her physician as soon as possible. Respondent did not respond to this request.

- 12. On or about May 20, 2010, Mary Peterson, RN, of OHC, notified Respondent's supervisor, Donna Nelson, that OHC had not received Respondent's physician verification which would allow her to return to Full Duty status.
- 13. On or about May 20, 2010, Respondent provided supervisor Donna Nelson, with what appeared to be an altered form, known as OHC AT2062 (Supervisor's Referral for Occupational Health Services), which stated that Respondent had been cleared for Full Duty with no work restrictions on or about April 17, 2010.
- 14. On or about May 20, 2010, supervisor Donna Nelson met with Mary Peterson of OHC, and confirmed that the document Respondent submitted was a copy of a previous OHC AT2062 dated May 5, 2008, and signed by David Anderson of Atascadero State Hospital.
- 15. On or about May 20, 2010, supervisor Donna Nelson met with Respondent regarding the altered document. Respondent told her supervisor that the OHC nurse told Respondent to "white out" the form and take it to her doctor because they were out of blank forms. Supervisor Nelson was informed by OHC that their policy is never to ask someone to alter a form.
- 16. On or about February 8, 2011, David Anderson, of Atascadero State Hospital, provided a statement that he has never asked anyone to alter any forms in OHC.

SECOND CAUSE FOR DISCIPLINE

(Commission of Any Act Involving Dishonesty)

17. Respondent is subject to disciplinary action under section 4521 (n) in that she committed acts involving dishonesty. The circumstances of these acts are described fully in paragraphs 10 through 17, above.

THIRD CAUSE FOR DISCIPLINE

(Disciplinary Action by Another State, Agency or Licensing Board)

18. Respondent is subject to disciplinary action under section 4521.6 (a) in that she was subject to disciplinary action based on the events described in paragraphs 10 through 17 above, and in the formal disciplinary proceedings described here:

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1	19. On or about April 18, 2011, Respondent entered into a Stipulated Agreement with	
2 ;	Atascadero State Hospital, whereby Respondent agreed to a Five (5) percent pay reduction for six	
3	(6) months. The factual basis for the Stipulated Agreement is described above in paragraphs 10	
4	through 17.	
5	<u>PRAYER</u>	
6	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
7	and that following the hearing, the Board issue a decision:	
8	1. Revoking or suspending Psychiatric Technician License Number PT 31935, issued to	
9	Teresa L. Jewell	
10	2. Ordering Teresa L. Jewell to pay the Board the reasonable costs of the investigation	
11	and enforcement of this case, pursuant to Business and Professions Code section 125.3;	
12	3. Taking such other and further action as deemed necessary and proper.	
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15	DATED: January 2, 2013 , Chighian Martin	
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17	Executive Officer Board of Vocational Nursing & Psychiatric Technicians	
18	State of California Complainant	
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